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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHINA AUTO LOGISTICS, INC., a Nevada
Corporation,

Plaintiff,

vs.

DLA PIPER, LLP, a Maryland Limited
Liability Partnership,

Defendant.

Case No.:

Dept. No.:

PETITION FOR REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

TO: ALL INTERESTED PARTIES

Defendant DLA PIPER, LLP. (“Defendant”) pursuant to 28 U.S.C. §§1332,1441 and 1446, removes the instant action under Case No. A-20-812251-C from the Eighth Judicial District Court, Clark County, Nevada (the “action”), to the United States District Court for the District of Nevada. The removal of this case is based upon diversity of jurisdiction. In support, Defendant, by and through its undersigned attorneys of record, states as follows:

I. Summary of Pleadings

On March 13, 2020, a complaint was filed against Defendant by Plaintiff China Auto Logistics, Inc. (“CALI”), in an action pending in the Eighth Judicial District Court, Clark

County Nevada, entitled *China Auto Logistics, Inc. vs. DLA Piper, LLP*, Case No. A-20-812251-C.

II. Nature of Complaint

The Complaint asserts a single cause of action for legal malpractice against Defendant DLA Piper, a Maryland Limited Liability Partnership. Defendant received notice of this action on or about March 18, 2020. Plaintiff's Complaint alleges that as a result of Defendant's actions, CALI has been exposed to numerous technical breaches of loan covenants and contractual covenants with third parties thereby causing CALI to absorb loan and contractual penalties, penalty interest and other fees in excess of \$1,000,000. § 64. In addition, CALI alleges it has been forced to absorb well in excess of \$1,000,000 in legal and other professional fees seeking to mitigate the damages caused by Defendant. § 65.

A copy of all process and pleadings served in the state court action are attached as **Exhibit A**. No other pleadings have been filed.

III. Statement of Jurisdiction

This action is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one that Defendant may remove to this Court pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Defendant is a citizen of Maryland. Plaintiff is a citizen of Nevada.

III. Timeliness of Removal

A notice of removal must be filed within 30 days after service of the pleading which makes the defendant become a party to the state action.¹ The thirty-day period for removal does not begin to run until a party has received a copy of the Complaint and has been properly

¹ 28 U.S.C. § 1446(b).

1 served.² Here, Defendant accepted service on March 18, 2020. Therefore, this Petition for
2 Removal is timely filed under 28 U.S.C. § 1446(b) because it is filed within one year of the
3 commencement of this action and within thirty (30) days of the date that Defendant accepted
4 service of the Summons and Complaint.

5 IV. Conclusion

6 Defendant has timely filed a notice of removal of an action for which this Court has
7 original jurisdiction, and as such, the Action must be removed to this Court.

8 Defendant will also timely file a Notice of Removal of Action to U.S. District Court in
9 the Eighth Judicial District Court, Clark County, Nevada, a true and correct copy of which is
10 attached hereto as **Exhibit B**.

11 In filing this Petition for Removal, Defendant does not waive, and specifically reserves,
12 all defenses, exceptions, rights, and motions. No statement herein or omission herefrom shall be
13 deemed to constitute an admission by Defendant of any of the allegations of or damages sought
14 in Plaintiff's Complaint.

15 DATED this 6th day of April, 2020

16 LIPSON NEILSON P.C.

17 By: /s/Lisa J. Zastrow

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24 *Attorneys for Defendant*

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26
27
28 ² See *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of April, 2020 service of the foregoing
PETITION OF REMOVAL was made upon each party in the case who is registered as an
electronic case filing user with the Clerk, pursuant to Fed. Rule Civ. P. 5(b)(3), and Local Rule
5-4, as follows:

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/s/ Nancy Rozan

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